

**Box Patent Application  
Commissioner of Patents  
and Trademarks  
Washington, DC 20231**

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Kovar et al

**WARNING:** Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41(a) and 1.53(b).

For (title): Optical Modulator and Method for Polarization Bit Interleaving

## 1. Type of Application

This new application is for a(n) (check one applicable item below):

X Utility  
— Design  
— Plant

NOTE: If one of the following 3 items apply them complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- Divisional
- Continuation
- Continuation-in-part (CIP)

**2. Benefit of Prior U.S. Application(s) (35 USC 120)**

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

— The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are  
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATION(S) CLAIMED.

**3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application**

8 Pages of Specification and Abstract  
4 Pages of Claims

Page 1 of 7

3 Sheets of drawing(s)

Formal  
 Informal

NOTE: "Identifying indicia such as the serial number, group and unit, title of the invention, attorney's docket number, inventor's name, number of sheets, etc., not to exceed 2 3/4 inches (7.0cm in width may be placed in a centered location between the side edges within three fourths inch (19.1mm) of the top edge. Either this marking technique on the front of the drawing or the placement, although not preferred, of this information and the title of the invention on the back of the drawings is acceptable." Proposed 37 CFR 1.84(1). Notice of March 9, 1988 (1090 O.G. 57-62).

#### 4. Additional Papers Enclosed

Preliminary Amendment  
 Information Disclosure Statement (37 CFR 1.98)  
 Form PTO-1449  
 Citations (2 References)  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.  
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative  
 Special Comments  
 Other

#### 5. Declaration or Oath

Enclosed  
executed by (check all applicable boxes)

inventor(s).  
 legal representative of inventor(s). 37 CFR 1.42 or 1.43  
 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.  
 this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See Item 13 below for fee.

- Not Enclosed
- Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

NOTE: It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

- Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d)).

## 6. Inventorship Statement

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The Inventorship for all the claims in this application are:

- the same
- or
- are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made.
  - is submitted
  - will be submitted

## 7. Language

- English
- non-English
- The attached translation is a verified translation. 37 CFR 1.52(d).

## 8. Assignment

- An assignment of the invention to \_\_\_\_\_
- is attached. A separate
  - "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or
  - FORM PTO 1595 is also attached.
- will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

## 9. Certified Copy (35 USC 119)

Certified copy(ies) of application(s):

(country)	(appln. no.)	(filed)
(country)	(appln. no)	(filed)

from which priority is claimed

— is/are attached.  
 — will follow.

## 10. Fee Calculation (37 CFR 1.16)

A.  Regular application

CLAIMS AS FILED						
Number filed			Num. Extra		Rate	Basic Fee \$710.00
Total Claims	22	-20=	2	X	\$18.00	\$36.00
Independent Claims	3	-3=		X	\$80.00	\$0.00
Multiple dependent claim(s), if any				X	\$270.00	\$0.00

— Amendment canceling extra claims enclosed.  
 — Amendment deleting multiple dependencies enclosed.  
 — Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing, they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$ 746.00

B. — **Design application**  
 (\$320.00--37 CFR 1.16(f))  
 Filing Fee Calculation \$ \_\_\_\_\_

C. — **Plant application**  
 (\$490.00--37 CFR 1.16(g))  
 Filing Fee Calculation \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

Applicant claims small entity status.

Filing Fee Calculation (50% of A, B or C above) \$ \_\_\_\_\_

**12. Request for International-Type Search (complete, if applicable)**

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made At This Time**

Not Enclosed

No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)

Enclosed

basic filing fee \$ 746.00

recording assignment (\$40.00; 37 CFR 1.21(h)) \$ \_\_\_\_\_

petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_

for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

fee for international-type search report (\$40.00; 37 CFR 1.21(e)) \$ \_\_\_\_\_

**Total fees enclosed** \$ 746.00

**14. Method of Payment of Fees**

Check in the amount of \$ \_\_\_\_\_.

Charge Account No. 50-1465 in the amount of \$ 746.00. A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid.

## 15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-1465 :

- 37 CFR 1.16(a), (f) or (g) (filing fees)
- 37 CFR 1.16(b), (c) or (d) (presentation of extra claims)
- Any deficiencies in the fees provided.

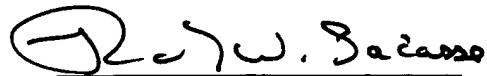
NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency, it might be best not to authorize the PTO to charge additional fees, except possibly when dealing with amendments after final action.

- 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.)
- 37 CFR 1.17 (application processing fees)
- 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

## 16. Instruction As To Overpayment

- credit Account No. 50-1465
- refund

Reg. No. 34,368  
Tel. No. (703) 415-1015



SIGNATURE OF APPLICANT'S REPRESENTATIVE  
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X **Incorporation by reference of added pages**

Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

       Plus added pages for new application transmittal where benefit of prior U.S. application(s) claimed.

Number of pages added \_\_\_\_\_

X Plus added pages for papers referred to in Item 4 above

Number of pages added 3 pages, 2 references

       Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

       **Statement Where No Further Pages Added**